

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**MCALLISTER EQUIPMENT CO., et al,
Plaintiffs,**

v.

Case No. 09-C-0915

**GREGORY D. QUIRK, et al.,
Defendants.**

DECISION AND ORDER

Before the court is plaintiffs' motion to compel defendants' responses to plaintiffs' requests for the production of documents.

Plaintiffs have requested that defendants produce records in their possession containing statements made by Jim Hock, a third-party witness, between January 2005 and the present. Because Mr. Hock is likely to have knowledge of facts that are relevant to various issues in this case, defendants are hereby ordered to produce all such records within their possession, custody or control, to the extent that they have not already done so.

Insofar as plaintiffs have requested information relating to defendants' financial condition prior to the date of the parties' dispute (i.e., prior to September 2008), they have failed to show that such information is relevant or likely to lead to the discovery of admissible evidence. Thus, defendants need not produce such information. However, to the extent that defendants have refused to produce information relating to their financial condition as of September 2008 and thereafter, they are hereby ordered to produce such

information. Such information is likely to lead to the discovery of admissible evidence regarding Quirk's solicitation of customers in violation of the noncompete provisions.

With respect to all other issues identified in plaintiffs' motion, I conclude from defendants' brief and affidavit in opposition to the motion to compel that defendants have provided the requested information, and that therefore court intervention is unnecessary.

THEREFORE, IT IS ORDERED that plaintiffs' motion to compel is **GRANTED IN PART** and **DENIED IN PART**.

Dated at Milwaukee, Wisconsin, this 13 day of May, 2010.

/s _____
LYNN ADELMAN
District Judge